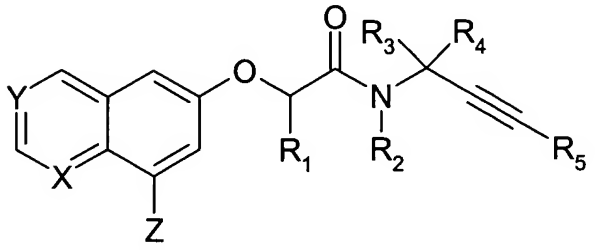
AMENDMENTS TO THE CLAIMS

Claim 1. (Original): A compound of the general formula (1):



(1)

wherein one of X and Y is N or N-oxide and the other is CR or both of X and Y are N;

Z is H, halo, C_{1-6} alkyl optionally substituted with halo or C_{1-4} alkoxy, C_{3-6} cycloalkyl optionally substituted with halo or C_{1-4} alkoxy, C_{2-4} alkenyl optionally substituted with halo, C_{2-4} alkynyl optionally substituted with halo, C_{1-6} alkoxy optionally substituted with halo or C_{1-4} alkoxy, C_{2-4} alkenyloxy optionally substituted with halo, C_{2-4} alkynyloxy optionally substituted with halo, cyano, nitro, C_{1-4} alkoxycarbonyl, $-OSO_2R'$, $S(O)_nR'$, -COR", -CONR"R'", -CR"=NOR', NR"R'", NR"COR', $NR"CO_2R'$ where n is 0, 1 or 2, R' is C_{1-6} alkyl optionally substituted with halogen and R" and R'" are independently H or C_{1-6} alkyl or , in the case of -CONR"R'", may join to form a 5- or 6-membered ring containing a single nitrogen atom, saturated carbon atoms and optionally a single oxygen atom;

R is H, halo, C_{1-8} alkyl, C_{3-6} cycloalkyl, C_{2-8} alkenyl, C_{2-8} alkynyl, C_{1-8} alkoxy, C_{1-8} alkylthio, nitro, amino, mono- or di-(C_{1-6})alkylamino, mono- or di-(C_{2-6})alkenylamino, mono- or di-(C_{2-6})alkynylamino, formylamino, C_{1-4} alkyl(formyl)amino, C_{1-4} alkylcarbonylamino, C_{1-4} alkoxycarbonylamino, C_{1-4} alkyl(C_{1-4} alkylcarbonyl)amino, cyano, formyl, C_{1-4} alkylcarbonyl, C_{1-4} alkoxycarbonyl, aminocarbonyl, mono- or di-(C_{1-4})alkylaminocarbonyl, carboxy, C_{1-4} alkylcarbonyloxy, aryl(C_{1-4})alkylcarbonyloxy, C_{1-4} alkylsulphinyl, C_{1-4} alkylsulphonyl or C_{1-4} alkylsulphonyloxy;

R_1 is C_{1-4} alkyl, C_{2-4} alkenyl or C_{2-4} alkynyl in which the alkyl, alkenyl and alkynyl groups are optionally substituted on their terminal carbon atom with one, two or three halogen atoms, with a cyano group, with a C_{1-4} alkylcarbonyl group, with a C_{1-4} alkoxycarbonyl group or with a hydroxy group, or

R_1 is alkoxyalkyl, alkylthioalkyl, alkylsulphinylalkyl or alkylsulphonylalkyl in which the total number of carbon atoms is 2 or 3, or

R_1 is a straight-chain C_{1-4} alkoxy group;

R_2 is H, C_{1-4} alkyl, C_{1-4} alkoxymethyl or benzyloxymethyl in which the phenyl ring of the benzyl moiety is optionally substituted with C_{1-4} alkoxy;

R_3 and R_4 are independently H, C_{1-3} alkyl, C_{2-3} alkenyl or C_{2-3} alkynyl provided that both are not H and that when both are other than H their combined total of carbon atoms does not exceed 4, or

R_3 and R_4 join with the carbon atom to which they are attached to form a 3 or 4 membered

carbocyclic ring optionally containing one O, S or N atom and optionally substituted with halo or C_{1-4} alkyl; and

R_5 is H, C_{1-4} alkyl or C_{3-6} cycloalkyl in which the alkyl or cycloalkyl group is optionally substituted with halo, hydroxy, C_{1-6} alkoxy, cyano, C_{1-4} alkylcarbonyloxy, aminocarbonyloxy, mono- or di(C_{1-4})alkylaminocarbonyloxy, -$S(O)_n$(C_{1-6})alkyl where n is 0, 1 or 2, triazolyl (e.g. 1,2,4-triazol-1-yl), tri(C_{1-4})alkylsilyloxy, optionally substituted phenoxy, optionally substituted thienyloxy, optionally substituted benzyloxy or optionally substituted thienylmethoxy, or

R_5 is optionally substituted phenyl, optionally substituted thienyl or optionally substituted benzyl, in which the optionally substituted phenyl and thienyl rings of the R_5 values are optionally substituted with one, two or three substituents selected from halo, hydroxy, mercapto, C_{1-4} alkyl, C_{2-4}, alkenyl, C_{2-4} alkynyl, C_{1-4} alkoxy, C_{2-4} alkenyloxy, C_{2-4} alkynyloxy, halo (C_{1-4})alkyl, halo(C_{1-4})alkoxy, C_{1-4} alkylthio, halo(C_{1-4})alkylthio, hydroxy(C_{1-4})alkyl, C_{1-4} alkoxy(C_{1-4})alkyl, C_{3-6} cycloalkyl, C_{3-6} cycloalkyl(C_{1-4})alkyl, phenoxy, benzyloxy, benzoyloxy, cyano, isocyano, thiocyanato, isothiocyanato, nitro, -NR^mR^n, -$NHCOR^m$, -$NHCONR^mR^n$, -$CONR^mR^n$, -SO_2R^m, -OSO_2R^m, -COR^m, -CR^m=NR^n or -N=CR^mR^n, in which R^m and R^n are independently hydrogen, C_{1-4} alkyl, halo(C_{1-4})alkyl, C_{1-4} alkoxy, halo(C_{1-4})alkoxy, C_{1-4} alkylthio, C_{3-6} cycloalkyl, C_{3-6} cycloalkyl(C_{1-4})alkyl, phenyl or benzyl, the phenyl and benzyl groups being optionally substituted with halogen, C_{1-4} alkyl or C_{1-4} alkoxy.

Claim 2. (Original): A compound according to claim 1 wherein R_5 is other than H.

Claim 3. (Currently Amended): A compound according to claim 1 ~~or 2~~ wherein R is H or halo, cyano.

Claim 4. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1, wherein R_1 is methyl, ethyl, *n*-propyl, 2,2,2-trifluoromethyl, cyanomethyl, acetylmethyl, methoxycarbonylmethyl, methoxycarbonylethyl, hydroxymethyl, hydroxyethyl, methoxymethyl, methylthiomethyl, ethoxymethyl, 2-methoxyethyl, 2-methylthioethyl, methoxy, ethoxy, *n*-propoxy or *n*-butoxy.

Claim 5. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1, wherein R_1 is ethyl, methoxy, ethoxy or methoxymethyl.

Claim 6. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1, wherein R_2 is H.

Claim 7. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1, wherein both R_3 and R_4 are methyl.

Claim 8. (Currently Amended): A compound according to ~~any one of the preceding claims~~ claim 1, wherein R_5 is H, methyl, hydroxymethyl, methoxymethyl, 1-methoxyethyl, *tert*-butyldimethyl-siloxymethyl, 3-cyanopropyl, 3-methoxypropyl, 3-(1,2,4-triazol-1-yl)propyl, 3-methylthiopropyl, 3-methanesulphinylpropyl or 3-methanesulphonylpropyl.

Claim 9. (Original): A compound according to claim 1 wherein one of X and Y is N and the other is CR or both of X and Y are N;
Z is H;
R is H, halo, C_{1-8} alkyl, C_{3-6} cycloalkyl, C_{2-8} alkenyl, C_{2-8} alkynyl, C_{1-8} alkoxy, C_{1-8} alkylthio, nitro, amino, mono- or di-(C_{1-6})alkylamino, mono- or di-(C_{2-6})alkenylamino, mono- or di-(C_{2-6})alkynylamino, formylamino, C_{1-4} alkyl(formyl)amino, C_{1-4} alkylcarbonylamino, C_{1-4} alkyl(C_{1-4} alkylcarbonyl)amino, cyano, formyl, C_{1-4} alkylcarbonyl, C_{1-4} alkoxycarbonyl, aminocarbonyl, mono- or di-(C_{1-4})alkylamino-carbonyl, carboxy, C_{1-4} alkylcarbonyloxy, aryl(C_{1-4})alkylcarbonyloxy, C_{1-4} alkylsulphinyl, C_{1-4} alkylsulphonyl or C_{1-4} alkylsulphonyloxy;
R_1 is C_{1-4} alkyl, C_{2-4} alkenyl or C_{2-4} alkynyl in which the alkyl, alkenyl and alkynyl groups are optionally substituted on their terminal carbon atom with one, two or three halogen atoms, with a cyano group, with a C_{1-4} alkylcarbonyl group, with a C_{1-4} alkoxycarbonyl group or with a hydroxy group, or
R_1 is alkoxyalkyl, alkylthioalkyl, alkylsulphinylalkyl or alkylsulphonylalkyl in which the total number of carbon atoms is 2 or 3, or R_1 is a straight-chain C_{1-4} alkoxy group;
R_2 is H, C_{1-4} alkyl, C_{1-4} alkoxymethyl or benzyloxymethyl in which the phenyl ring of the benzyl moiety is optionally substituted with C_{1-4} alkoxy;
R_3 and R_4 are independently H, C_{1-3} alkyl, C_{2-3} alkenyl or C_{2-3} alkynyl provided that both are not H and that when both are other than H their combined total of carbon atoms does not exceed 4, or
R_3 and R_4 join with the carbon atom to which they are attached to form a 3 or 4 membered carbocyclic ring optionally containing one O, S or N atom and optionally substituted with halo or C_{1-4} alkyl; and
R_5 is H, C_{1-4} alkyl or C_{3-6} cycloalkyl in which the alkyl or cycloalkyl group is optionally substituted with halo, hydroxy, C_{1-6} alkoxy, C_{1-6} alkylthio, cyano, C_{1-4} alkylcarbonyloxy, aminocarbonyloxy or mono- or di(C_{1-4})alkylaminocarbonyloxy, tri(C_{1-4})alkyl-silyloxy, optionally substituted phenoxy, optionally substituted thienyloxy, optionally substituted benzyloxy or optionally substituted

thienylmethoxy, or

R_5 is optionally substituted phenyl, optionally substituted thienyl or optionally substituted benzyl, in which the optionally substituted phenyl and thienyl rings of the R_5 values are optionally substituted with one, two or three substituents selected from halo, hydroxy, mercapto, C_{1-4} alkyl, C_{2-4}, alkenyl, C_{2-4} alkynyl, C_{1-4} alkoxy, C_{2-4} alkenyloxy, C_{2-4} alkynyloxy, halo (C_{1-4})alkyl, halo(C_{1-4})alkoxy, C_{1-4} alkylthio, halo(C_{1-4})alkylthio, hydroxy(C_{1-4})alkyl, C_{1-4}alkoxy(C_{1-4})alkyl, C_{3-6} cycloalkyl, C_{3-6} cycloalkyl(C_{1-4})alkyl, phenoxy, benzyloxy, benzoyloxy, cyano, isocyano, thiocyanato, isothiocyanato, nitro, $-NR^mR^n$, $-NHCOR^m$, $-NHCONR^mR^n$, $-CONR^mR^n$, $-SO_2R^m$, $-OSO_2R^m$, $-COR^m$, $-CR^m=NR^n$ or $-N=CR^mR^n$, in which R^m and R^n are independently hydrogen, C_{1-4} alkyl, halo(C_{1-4})alkyl, C_{1-4} alkoxy, halo(C_{1-4})alkoxy, C_{1-4} alkylthio, C_{3-6} cycloalkyl, C_{3-6} cycloalkyl(C_{1-4})alkyl, phenyl or benzyl, the phenyl and benzyl groups being optionally substituted with halogen, C_{1-4} alkyl or C_{1-4} alkoxy.

Claim 10. (Original): A compound according to claim 1 wherein one of X and Y is N and the other is CR or both of X and Y are N; Z is H; R is H, halo or cyano; R_1 methyl, ethyl, *n*-propyl, 2,2,2-trifluoromethyl, cyanomethyl, acetylmethyl, methoxycarbonylmethyl, methoxycarbonylethyl, hydroxymethyl, hydroxyethyl, methoxymethyl, methylthiomethyl, ethoxymethyl, 2-methoxyethyl, 2-methylthioethyl, methoxy, ethoxy, *n*-propoxy or *n*-butoxy; R_2 is H; R_3 and R_4 are both methyl; and R_5 is H, methyl, hydroxymethyl, methoxymethyl, 1-methoxyethyl, *tert*-butyldimethylsiloxymethyl, 3-cyanopropyl, 3-methoxypropyl, 3-(1,2,4-triazol-1-yl)propyl, 3-methylthiopropyl, 3-methanesulphinylpropyl or 3-methanesulphonylpropyl.

Claim 11. (Original): A process for preparing a compound according to claim 1 as herein described.

Claim 12. (Currently Amended): A fungicidal composition comprising a fungicidally effective amount of a compound of formula (1) as claimed in claim 1 ~~or 9~~ and a suitable carrier or diluent therefor.

Claim 13. (Currently Amended): A method of combating or controlling phytopathogenic fungi which comprises applying a fungicidally effective amount of a compound of formula (1) as defined in claim 1 ~~or a composition according to claim 12~~ to a plant, to a seed of a plant, to the locus of the plant or seed or to soil or any other plant growth medium.